

## **REMARKS**

Claims 1-21 are pending. Claims 1 and 14 have been amended by this Response. Claims 2-13 and 15-21 remain unchanged by this Response. Reconsideration in light of the amendments and the following remarks is respectfully requested.

### **Claim Objections**

Examiner objected to Claim 1 based on the informalities detailed in the "Claims Objections" section on page 2 of the Office Action mailed on July 26, 2005. Applicants agree with Examiner's interpretation that the objection arose due to an oversight during the amending process and that the "step b)" as recited in step d) of Claim 1 should be "step c)." An Amendment correcting this oversight has been made to Claim 1, thus, correcting Claim 1 in accordance with Examiner's understanding.

In light of the above remarks and amendments, the objection to Claim 1 is believed to be overcome. Applicants respectfully request Examiner to withdraw the objection.

### **Claim Rejections - 35 U.S.C. §103**

Examiner rejected Claims 1, 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, and 19 under 35 U.S.C. §103(a), as being unpatentable over Fleury, US Patent No. 5,820,903 in view of Malone, US Patent No. 4,430,349. This rejection is respectfully traversed.

Examiner first asserts that "Fleury discloses a method for preparing a yogurt, wherein a stabilizer is hydrated in milk." For several reasons, this is not a disclosure of Applicants' first claimed step of hydrating low-methoxyl pectin in an aqueous solution. First, Fleury does not disclose that the stabilizer is a low-methoxyl pectin. There is a good reason for this, as is noted in the Malone reference. "Low-methoxyl pectin is very reactive with the calcium ions present in milk and may cause immediate curdling or coagulation of the culture into a granular pudding

when added directly to yogurt." (See Col. 2, Ln. 68 - Col. 3, Ln. 3). As the teachings of Malone make abundantly clear, if in fact a pectin was used at this step of Fleury, it would necessarily be a high-methoxyl pectin. Second, this first step of the Fleury patent involves using milk, which contains calcium. Applicants' invention does not involve the calcium coming into contact with the low-methoxyl pectin solution until after the calcium has been mixed with a separate liquid fraction. Third, and along the same lines, Applicants disclose a hydration of the low-methoxyl pectin in water. To the extent that the Examiner understands the term "an aqueous solution" to include milk, Applicants have clarified this issue by adding a limitation to the first step of the claimed invention that such aqueous solution contains substantially no calcium or consists of water. This limitation clearly distinguishes Applicants' invention from all of the prior art cited by the Examiner involving yogurts.

Examiner next states that Fleury discloses that a separate liquid fraction of calcium and water is made. However, Examiner ignores the teachings from Fleury that such calcium salt must be an insoluble calcium salt. (See Col. 5, Ln. 15 - Col. 6, Ln. 12). Applicants, on the other hand, disclose a calcium solution using a calcium source "which has at least good water solubility." (See Pg. 14, Table 5). Applicants further specifically disclose the use of calcium chloride as the calcium source in several examples, which is a known soluble calcium salt. (See Pgs. 12-13, Tables 1-4). Claims 1 and 14 have been amended to make this distinction clear. Applicants' requirement of using a soluble calcium in the liquid fraction claimed is clearly opposite from the teachings of the Fleury prior art which requires a suspension of an insoluble calcium salt which is mixed with water to form a slurry.

Examiner next asserts that the Fleury reference discloses that the liquid fraction containing the calcium and the milk mixture is then mixed together. This observation ignores the

fact that the Fleury reference requires that the liquid fraction referred to by Examiner is first cooled prior to adding same to the milk mixture. "The preferred temperature of the calcium slurry is the same as or below the yogurt upon admixture. Thus, if a heating step is employed, thereafter, the slurry can be cooled to or below the temperature of the yogurt base ... prior to admixture therewith to reduce thermal shock to the yogurt. ... For example, if the yogurt base is at 5°C, the slurry should be about 2° to 5°C." (See Col. 7, Lns. 1-15). Thus, the Fleury reference teaches away from the limitations in Claim 1, step c) of Applicants' claimed invention wherein the pectin solution of step a) is mixed with a "heated liquid fraction ... ."

Examiner then asserts that Fleury discloses that the fruit is added to the total mixture after it is cooled to 5°C. Such a teaching is opposite to the limitation of step c) of Claim 14 of Applicants' invention in which the addition of the fruit cools the final mixture. Consequently, Fleury teaches away from this limitation.

Examiner then asserts that Fleury discloses the use of stabilizers and thickeners in the product prior to the mixing step. Examiner does not identify which element is referred to as the "product." However, Examiner previously referred to the same section of Fleury when referring to the milk component. Assuming that Examiner believes the milk component is equivalent to Applicants' aqueous solution containing no calcium, Examiner still lacks any teaching that a stabilizer or thickener is added to the separate liquid fraction component, as is a required limitation of Claim 3.

Examiner then asserts that Fleury discloses that the mixing step is conducted with "warm slurry and warm yogurt base, which is interpreted to be a temperature above the gelation temperature of the pectin." To the contrary, and as noted previously, the maximum temperature of the slurry and the yogurt base mixture disclosed by Fleury is 21°C, or essentially room

temperature. The range disclosed is 2°C to 21°C with an example disclosed of 2°C to 5°C, which can hardly be categorized as a "warm mixture." (See Col. 7, Lns. 6-15).

Examiner takes the position that, since the Fleury reference does not teach a resultant product that has "a homogenous gritty or grainy appearance" that it is now Applicants' burden to prove that the Fleury reference does not produce such characteristics. Examiner takes the unusual position that "as the Patent Office does not possess the facilities to test the referenced composition and that of the claimed invention, the burden then shifts to Applicant to demonstrate any patentable difference between the two." Examiner thus takes the position that Applicants must disprove a negative. To the contrary, the MPEP admonishes that it is "not ... appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." MPEP §2144.03.a. In cases involving chemical theories, it has been held that, in order to establish a *prima facie* case of obviousness, the PTO "must provide evidentiary support for the existence and meaning of that theory." *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979). The MPEP makes it clear that "[t]he applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice and be allowed to challenged the assertion in the next reply after the office action ... ." MPEP §2144.03.b. Further, Applicants would point out that Fleury in fact does disclose an end product that is something other than one with a homogenous gritty or grainy appearance. In the section titled "Description of Finished Product Attributes" Fleury teaches that the "resulting yogurt has an acceptable texture and flavor." As noted in the Malone reference used by Examiner, "most yogurt presently produced in the United States is of the firm or gelled variety having a spoonable, pudding-like consistency." (See Col. 1, Lns. 24-27). Malone then goes on to note

that "Yogurt produced according to this invention will be of smooth texture and mouth feel ... ." (Col. 4, Lns. 28-29).

Examiner asserts that it is inherent that the addition of fruit "which is not heated, would reduce the temperature of the total product ... ." Yet, as noted above, earlier in the same paragraph Examiner asserts that Fleury discloses that the fruit is "added to the total mixture after it is cooled to 5°C ... ." It is difficult to understand Examiner's position that a fruit that is not heated would reduce the temperature of the total mixture which is already an extremely cool 5°C.

In the next paragraph of this rejection, Examiner points out that Fleury does not disclose the use of a fruit juice concentrate or puree as part of the calcium liquid fraction. Contrary to Examiner's assertion, there is a good reason why it would not be obvious to add a fruit juice concentrate to the calcium liquid fraction. Specifically, the Fleury reference itself puts forth as its goal "to provide a calcium-fortified yogurt that did not require the presence of a fruit ingredient." (Col. 2, Lns. 28-31). Using a fruit juice concentrate or puree as a part of the calcium liquid fraction would necessarily involve the presence of a fruit ingredient in the resultant yogurt, and thus teach away from the goal of the Fleury reference.

Examiner notes that Fleury does not disclose the rate at which the liquid fraction is added to the milk mixture. Without support, Examiner asserts that such would have been obvious to one of ordinary skill in the art. Applicants insist that Examiner provide some support for this observation. MPEP §2144.033.

Examiner concedes that Fleury does not disclose using pectin as the stabilizer or how much should be added to the product. However, Examiner asserts that the Malone reference teaches the use of a low-methoxyl pectin to stabilize the product. However, as previously noted, Malone specifically teaches that low-methoxyl pectin by itself is inappropriate for use in a milk

product. In fact, the Malone reference requires that any low-methoxyl pectin added to the milk must be accompanied by a calcium sequestering agent "in an amount effective to bind with the calcium ions in the milk ... ." (See Col. 2, Ln. 66 - Col. 3, Ln. 8, and Col. 4, Lns. 10-14). Thus, it would not be obvious that a reference (Malone) that teaches that a low-methoxyl pectin should not be used in a yogurt mixture, although it is used under specific conditions in the examples given, can be combined with a reference (Fleury) which does not disclose the use of the low-methoxyl pectin. Applicants would point out that Examiner's assertion that "Malone specifically states that low-methoxyl pectin is desirable to use as a stabilizer in a yogurt food product ... " is simply incorrect in this regard.

Examiner asserts that the concentration of pectin as taught by Malone would create a product with a milligram of calcium per gram of low-methoxyl pectin content with the range as claimed in Claim 1. Applicants respectfully request that Examiner cite to the portions of Malone and Fleury that support such conclusion. On the contrary, Fleury indicates that the calcium content of the final product is in the range of "about 0.25 to 0.76% by weight." Malone discloses a number of different combinations of high-methoxyl pectin and low-methoxyl pectin in examples disclosed in Table 1. The levels of low-methoxyl pectin in these examples range from a low of 0.6% to a high of 1.5% of the finished product. Combining the calcium of Fleury with the low-methoxyl pectin of Malone would appear to result in a range of calcium to low-methoxyl pectin of approximately 1:1 to 6:1. Such ratio is not within the range as claimed in Claim 1 as asserted by Examiner.

In general, Applicants also would point out that Fleury and Malone each have additional processing steps and ingredients that were not addressed by Examiner when combining the two references. It is difficult to understand how a recipe for fortifying a yogurt with insoluble

calcium can be combined with a recipe for sweetening a yogurt with an artificial sweetener, given the very specific processing steps required for each, and yield any meaningful concoction. In addition to these general observations, Applicants point out the following with regard to each specific claim rejected.

With regard to Claim 2, Examiner has failed to point to the teaching in either Malone or Fleury that the aqueous pectin solution of step a) is maintained in a temperature of about 140°F to about 170°F.

With regard to Claim 3, Examiner has failed to indicate where in the Fleury or Malone references is taught that a thickener is mixed with the hydrated pectin prior to the mixing step c).

With regard to Claim 6, Examiner has failed to show where in the Fleury or Malone references is taught that the liquid fraction of step b) further comprises a juice concentrate.

With regard to Claim 7, Examiner has failed to show where in the Malone or Fleury references is taught that the liquid fraction of step b) further comprises a fruit puree.

With regard to Claim 8, Examiner has failed to show where in the Malone or Fleury references is taught that the mixing step c) occurs at a temperature above the gelation temperature of the pectin in solution or that it continues until the mixture formed therein attains a homogenous gritty or grainy appearance.

With regard to Claim 9, Examiner has failed to show where in either the Fleury or Malone references that the addition of the fruit at step d) reduces the temperature of the mixture to a point below which the cooking of the fresh fruit will occur.

With regard to Claim 12, Examiner has failed to show where in the Fleury or Malone references is taught that the aqueous pectin solution is added to the liquid fraction at a ratio of

gallons per minute of aqueous pectin solution added to the agitation rate of the mixing in rpm of between 1:5 and 1:15.

With regard to Claim 13, Examiner has failed to show that the Fleury and Malone references can be combined to teach a food sauce produced by the method of Claim 1.

With regard to Claim 17, Examiner has failed to show where in the Fleury and Malone references is taught that the addition of the food pieces at step c) reduces the temperature of the mixture to a point below which the cooking of said fruit pieces will occur.

With regard to Claim 18, Examiner has failed to show where in the Fleury or Malone references is taught that the aqueous pectin solution is added to the liquid fraction at a ratio of gallons per minute of aqueous pectin solution added to the agitation rate of the mixing in rpm of between 1:5 and 1:15.

With regard to Claim 19, Examiner has failed to show that the Fleury and Malone references can be combined to teach a food sauce produced by the method of Claim 1.

Examiner rejected Claims 4-5 under 35 U.S.C. §103(a) as being unpatentable over Fleury in view of Malone as applied to Claims 1, 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, and 19, and further in view of Daravingas, US Patent No. 6,235,320. This rejection is respectfully traversed.

As noted above, Fleury in view of Malone does not support an obviousness rejection of Claims 1, 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, and 19. For the same reasons as discussed above, therefore, Fleury in view of Malone cannot be combined with Daravingas to support an obviousness rejection of Claims 4-5. It is additionally noted that Examiner proposes to combine the teachings of one method of making a yogurt for the purpose of fortifying the yogurt with calcium (Fleury) with another method for making a yogurt with the purpose of adding an artificial sweetener (Malone) with a third method for making a yogurt that produces various



viscosity layers (Daravingas). Each one of these prior art disclosures lists very specific processing steps and ingredients with few similarities between the methods other than the initial starting material of milk. Applicants assert that it is improper for Examiner to pick and chose specific ingredients and processing steps taken out of context from these three divergent teachings in support of an obviousness rejection of Applicants' claimed invention. It has long been established that the motivation is lacking where the proposed modification would destroy the intended function of the reference. See *In Re Fritch*, 972 F.2d at 1265 n. 12, 23 U.S.P.Q.2d at 1783 n. 12 ("A proposed modification [is] inappropriate for an obviousness inquiry when the modification render[s] the prior art reference inoperable for its intended purpose."); *In re Ratti*, 270 F.2d 810, 813, 123 U.S.P.Q. 349, 352 (C.C.P.A. 1959) (holding the suggested combination of references improper under §103 because it "would require a substantial reconstruction and redesign of the elements shown in [a prior art reference] as well as a change in the basic principles under which [that reference's] construction was designed to operate").

Examiner rejects Claims 10, 11, and 16 under 35 U.S.C. §103(a) as being unpatentable over Fleury in view of Malone as applied to Claims 1, 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, and 19, and further in view of Cote, US Patent Application No. 2003/0211218. This rejection is respectfully traversed.

As noted above, Fleury in view of Malone does not support an obviousness rejection of Claims 1, 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 17, 18, and 19. For the same reasons as discussed above, therefore, Fleury in view of Malone cannot be combined with Cote to support an obviousness rejection of Claims 10, 11, and 16. It is additionally noted that Examiner proposes to combine the teachings of one method of making a yogurt for the purpose of fortifying the yogurt with calcium (Fleury) with another method for making a yogurt with the purpose of adding an

artificial sweetener (Malone) with a third method for making a high viscosity yogurt (Cote). Each one of these prior art disclosures lists very specific processing steps and ingredients with few similarities between the methods other than the initial starting material of milk. Applicants assert that it is improper for Examiner to pick and chose specific ingredients and processing steps taken out of context from these three divergent teachings in support of an obviousness rejection of Applicants' claimed invention. It has long been established that the motivation is lacking where the proposed modification would destroy the intended function of the reference. See *In Re Fritch*, 972 F.2d at 1265 n. 12, 23 U.S.P.Q.2d at 1783 n. 12 ("A proposed modification [is] inappropriate for an obviousness inquiry when the modification render[s] the prior art reference inoperable for its intended purpose."); *In re Ratti*, 270 F.2d 810, 813, 123 U.S.P.Q. 349, 352 (C.C.P.A. 1959) (holding the suggested combination of references improper under §103 because it "would require a substantial reconstruction and redesign of the elements shown in [a prior art reference] as well as a change in the basic principles under which [that reference's] construction was designed to operate").

Examiner rejected Claims 20 and 21 under 35 U.S.C. §103(a), as being unpatentable over Uncooked Jam and Jellies by Pamela Brady in view of the combination of Jam Today! With Pomona's Universal Pectin online publication and Food Product Design article by Paula Frank. This rejection is respectfully traversed.

Examiner asserts that the Brady reference discloses all of the claim limitations with the exception of using a thickener, a low-methoxyl pectin, or calcium. Examiner is correct only in asserting that the Brady reference does not disclose these elements. However, it is important to note that the Brady reference specifically teaches the use of a high-methoxyl pectin. Any recipe calling for "pectin" as generally available to the consuming public refers to high-methoxyl pectin

which uses sugar to set up the gelation of the jams and jellies. This is evident from the Brady reference which requires the addition of large amounts of sugar to every example disclosed. Consequently, not only does the Brady reference not disclose the use of low-methoxyl pectin, it teaches away from the use of low-methoxyl pectin. Low-methoxyl pectin and high-methoxyl pectin are simply not interchangeable elements, as each one requires opposite and competing mechanisms for the creation of a gel. This point is made by the very prior art that Examiner seeks to combine. For example, the Jam Today! article notes that "High-methoxyl pectin requires a sugar concentration above 55% to gel whereas low-methoxyl pectin gels in the presence of calcium ions" at its last section on the third page of the reference. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obvious. See, MPEP §2143.01; *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). **Examiner completely ignores this argument in its Response to Arguments section of the Office Action mailed on July 26, 2005.** Examiner phrases the argument as one of substituting a high-methoxyl pectin "from a recipe that requires high amounts of sugar in order for the pectin to be activated" for the suggestion of using a low-methoxyl pectin "using calcium without sugar or a sugar-free recipe" to produce an end result. Regardless of whether such substitution is appropriate or will work, Examiner ignores the fact that one piece of prior art teaches in one direction and the other piece of prior art teaches in the other direction. Examiner's hindsight combination by ignoring the teachings of both sets of prior art to combine disparate ingredients is tantamount to taking one piece of prior art that says water should not be used in this recipe with another piece of art that says that water should be used in this recipe and then

claiming that the substitution of water into the recipe requiring no water is an appropriate combination. Applicants respectfully request that Examiner respond to this argument.

Aside from the fact that the Brady reference teaches the use of high-methoxyl pectin, the use of low-methoxyl pectin with the Brady recipe simply would not work. The following quotation from page 3 of Applicants' specification is illustrative of this fact:

As a consequence of low methoxyl pectins gelling reactivity with calcium, it is avoided in the prior art as a gelling agent for fruit suspensions. As noted by U.S. Patent No. 4,370,354, titled "Stabilized Fruit Suspensions and Method for Preparing the Same," issued to Leipold (the '354 Patent), the use "of low methoxyl pectin as the gelling agent is attended by certain difficulties resulting from the fact that it is calcium sensitive and in the presence of calcium tends to form stiffer gels than are desired. One difficulty is that all fruits contain calcium." (Col. 1, lns. 27-31). As further noted in the '354 Patent, this difficulty can be overcome by adding an excess of calcium over the amount which can react with the pectin. This is done while the pectin is maintained at a high temperature such that the pectin fully reacts with the added calcium prior to the addition of the fruit to be suspended. The final mixture is then further cooked and then slowly cooled in order to avoid the formation of any pre-gel.

Particular attention should be paid to the last sentence, which notes that the final mixture must be "further cooked and then slowly cooled in order to avoid the formation of any pre-gel." Examiner asserts that the purpose of the Brady reference is to disclose an uncooked jam and jelly recipe. Yet, to switch only the pectin ingredients with a low-methoxyl pectin would, at a minimum, require further cooking, thus negating this aspect of the disclosure.

For all of the reasons stated above, it is inappropriate for Examiner to combine one reference which teaches a high-methoxyl pectin (which uses sugar as the gelation mechanism) with other references that require a low-methoxyl pectin (which uses the addition of calcium as the gelation mechanism). The references clearly teach in different directions and cannot be combined in this regard. See, MPEP §2141.02; MPEP §2143.01; *W. L. Gore & Associates, Inc.*

*v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983); *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Applicants would further point out that there is no competent evidence of record as to the date of publication of relevant portions of two of the references cited by Examiner in rejecting Claims 20 and 21 under 35 U.S.C. §103(a). The Brady reference appears to be a December 22, 2004 printout from the University of Arkansas website. Examiner initially provided a printout from the "Internet Archive Wayback Machine" which purports to show that this website page was last updated on April 24, 2003, a date which postdates Applicants' priority date of April 15, 2003. Likewise, a similar printout from the "Internet Archive Wayback Machine" shows that the website page from which the Jam Today article was printed was last updated on April 16, 2003. Thus, the Jam Today article was revised in some respect one day after the priority date for the application at issue. The Examiner indicates in the Office Action mailed on July 26, 2005 that printouts are attached to such office action dated May 1, 2001 for the Jam Today! article and April 12, 2001 for the Brady article, however, the copy of the Office Action received by Applicants does not include these printouts. Further, Applicants do not concede that printouts from one website, the Internet Archive Way Back Machine, purporting to show disclosure dates on another website is competent evidence for the purpose of establishing prior art during prosecution. MPEP §706.02(j).

In addition to all of the reasons cited above for the withdrawal of the rejections under 35 U.S.C. §103(a) regarding the Brady reference, the Jam Today reference, and the Frank reference, Applicants note the following specific to each rejected claim:

With regard to Claim 20, the references do not, either alone or in combination, teach a product produced by the method steps of: a) hydrating a low-methoxyl pectin in aqueous

solution; b) mixing the thickener with the aqueous pectin solution; and c) mixing said aqueous solution with a liquid fraction, wherein said liquid fraction comprises calcium. **Examiner has yet to address these limitations and where they are disclosed by the prior art.** Further, the references do not teach that the fruit component is maintained in the mixture at a temperature below which cooking of the fruit component will occur. In the Office Action mailed on July 26, 2005, Examiner asserts that the Brady reference does not disclose cooking the fruit and maintains the jam keeps a fresh fruit flavor, therefore, the reference is sufficient in teaching that the cooking of fresh fruit will not occur. To the contrary, the Brady reference teaches brining a pectin solution to a boil (212 ° Fahrenheit) and then adding this pectin and water solution to the fruit. There is no teaching in Brady that the pectin and water solution should be allowed to cool prior to such addition, but rather Brady simply states that the pectin solution is added to this fruit. A stronger argument could be made that the Brady reference discloses cooking the fruit than to argue that the Brady reference discloses not cooking the fruit.

With regard to Claim 21, in addition to the discussion of claim 20 above, applicants assert that Examiner ignores the limitations in question that should be examined to suit the rejection made. Specifically, Examiner states that "the starting state of the ingredient is what is important since any frozen berry would thaw inherently when mixed with the warmer mixture, and therefore, would not remain frozen in the mixture." However, Claim 21 does not cite as a limitation that the "starting state of the ingredients" is a frozen component. Rather, Claim 20 lists as a limitation that "the fruit component added at step d) comprises at least one frozen fruit component ... ." All of the references to which Examiner refers may list a frozen fruit as an acceptable starting material, but none of the references disclose the limitation being examined, namely a frozen fruit added at the mixing step described in step d) of Claim 20. For example, in

the Brady article in the section "Jams From Frozen Fruit" the second paragraph specifically teaches "Let the berries thaw. Mixed berries and sugar. Let stand about 20 minutes, stirring occasionally." These steps all occur prior to the combination with the pectin. If in fact the starting state of the ingredients is what is important to this inquiry, Applicants question why the prior art cited specifically teaches thawing the starting ingredients prior to the mixing step. Such disclosure teaches away from the limitation presented for examination, which is maintaining the fruit in a frozen state and adding such frozen fruit to the mixture. Applicants again request that Examiner point out where in the prior art such limitation is taught.

In light of the amendments made and the arguments detailed above, Applicants assert that the rejection of Claims 20 and 21 under the Brady disclosure, the Jam Today disclosure, and the Frank disclosure should be withdrawn.



### CONCLUSION

In light of the amendments and the arguments made by Applicants above, Applicants submit that all existing claims are now in condition for allowance. Applicants respectfully request that Examiner withdraw all rejections with regard to the above-referenced claims in reliance on one or more of the grounds submitted by Applicants.

If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact Colin P. Cahoon at 972-367-2001.

The Commissioner is hereby authorized to charge any payments that may be due or credit any overpayments to CARSTENS & CAHOON, L.L.P. Deposit Account 50-0392.

Respectfully submitted by:

Colin P. Cahoon  
Registration No. 38,836  
CARSTENS & CAHOON, LLP  
P.O. Box 802334  
Dallas, TX 75380  
(972) 367-2001  
(972) 367-2002 Fax